

असाधारण

EXTRAORDINARY

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PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या की जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सकते !

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th June, 1988/Asadha 7, 1910 (Saka)

THE LAKSHADWEEP (ADMINISTRATION) REGULATION, 1988

No. 3 of 1988

Promulgated by the President in the Thirty-ninth Year of the Republic of India.

A Regulation to make provisions for the administration of the Union territory of Lakshadweep and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

- 1. (1) This Regulation may be called the Lakshadweep (Administration) Regulation, 1988.
 - (2) It extends to the whole of the Union territory of Lakshadweep.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. In this Regulation, unless the context otherwise requires,__
 - (a) "Administrator" means the Administrator of the Union territory of Lakshadweep appointed by the President under article 239 of the Constitution;

Short title, extent and com-

mencement.

Defini-

- (b) "Island" means one of the Islands mentioned in the Table below paragraph 1 of the First Schedule;
- (c) "Island Council" means the Island Council constituted for an Island under sub-section (1) of section 3 of the Lakshadweep Island Councils Regulation, 1988;
- (d) "notification" means a notification published in the Official Gazette:
 - (e) "Official Gazette" means the Lakshadweep Gazette;
- (f) "Pradesh Council" means the Pradesh Council constituted under section 3; and
 - (g) "Union territory" means the Union territory of Lakshadweep.

CHAPTER II

PRADESH COUNCIL

Constitution of Pradesh Council and its composition.

- 3. As soon as may be after the commencement of this Regulation, there shall be constituted a Pradesh Council for the Union territory consisting of the following members, namely:—
 - (a) the Administrator;
 - (b) the member of the House of the People representing the Union territory;
 - (c) the Collector-cum-Development Commissioner;
 - (d) twenty-one members to be elected by the persons of the Island Councils specified in column (3) of the Table below paragraph 1 of the First Schedule in the manner specified in that Schedule;
 - (e) one woman to be nominated by the Administrator, if no woman becomes a member of the Pradesh Council under any of the foregoing clauses:

Provided that such woman is qualified to become a member of the Island Council under the Lakshadweep Island Councils Regulation, 1988.

Cessar of membership in certain cases. 4. A person who is a member of the Pradesh Council under clause (a) or clause (b) or clause (c) of section 3, or who is elected or nominated as a member under clauses (d) and (e) of the said section, shall cease to be such member when he ceases to be the Administrator, a member of the House of the People, the Collector-cum-Development Commissioner, or, as the case may be, ceases to hold the office, if any, by virtue of which he was elected or nominated as a member of the Pradesh Council.

Duration of Pradesh Council.

5. The Pradesh Council, unless sooner dissolved, shall continue for two years from the date appointed for its first meeting and no longer, and the expiration of the said period of two years shall operate as a dissolution of the Pradesh Council:

Provided that the Administrator may, with the previous approval of the President, by order in writing, extend the said period by a period or periods not exceeding one year in the aggregate, and every such order shall be notified in the Official Gazette.

6. (1) A member of the Pradesh Council elected or nominated under clause (d) or clause (e) of section 3 may resign his office as such member by intimating in writing his intention to do so to the Administrator and such resignation shall take effect from the date of its receipt by the Administrator.

Resignation of membership and filling up of casual vacancies of Pradesh Council.

(2) A casual vacancy in the membership of the Pradesh Council under clause (d) or clause (e) of section 3 shall be filled by election or nomination, as the case may be, in accordance with the provisions of this Regulation:

Provided that a member elected or nominated under this sub-section shall hold office only for the remainder of the term of office of the member in whose place he is elected or nominated.

7. Every member (other than the Administrator) of the Pradesh Council shall, before taking his seat, make and subscribe before the Administrator or some person appointed in that behalf by him, and the Administrator shall, before taking his seat, make and subscribe before some person appointed in that behalf by the Central Government, an oath or affirmation according to the form set out for the purpose in the Second Schedule.

Oath or affirmation by members of the Pradesh Council.

8. No act or proceeding of the Pradesh Council shall be invalid by reason only of the existence of any vacancy among its members or of any defect in the constitution thereof.

Vacancies, etc.,
not to
invali.
date acts
or proceedings
of
Pradesh
Council.

9. (1) The Administrator shall, from time to time, summon the Pradesh Council to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

Sessions of Pradesh Council.

- (2) The Administrator may from time to time,-
 - (a) prorogue the Pradesh Council;
- (b) with the approval of the President, dissolve the Pradesh Council.
- 10. The Pradesh Council may discuss and make recommendations to the Administrator on—

Functions of Pradesh Council.

- (a) matters of administration, relating to the Union territory, involving general questions of policy and schemes of development in so far as they relate to matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution;
- (b) the five-year plans and annual plan proposals for the development of the Union territory;
- (c) the estimated receipts and expenditure pertaining to the Union territory to be credited to, and to be met from, the Consolidated Fund of India;

- (d) proposals for undertaking legislation for the Union territory with respect to any of the matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution;
- (e) any other matter which the Administrator may refer to the Pradesh Council for consideration and advice.
- Adminis_ trator to preside over meetings of Pradesh Council.
- 11. (1) The Administrator shall preside at the meetings of the Pradesh Council.
- (2) During the absence of the Administrator from any meeting of the Pradesh Council, the Collector-cum-Development Commissioner shall preside at such meeting.
- Powers and privileges of members of Pradesh Council.
- 12. (1) Subject to the provisions of this Regulation and to the rules and standing orders regulating the procedure of the Pradesh Council, there shall be freedom of speech in the Pradesh Council.
- (2) Neither the Administrator nor any other member of the Pradesh Council shall be liable to any proceedings in any court in respect of anything said in the Pradesh Council or any committee thereof and no person shall be so liable is respect of publication by or under the authority of the Pradesh Council of any report, paper or proceedings.
- Salaries and allow_ ances of members of Pradesh Council.
- 13. Every member of the Pradesh Council other than the Administrator and the Collector-cum-Development Commissioner shall be entitled to receive such salary or allowances or both as the Administrator may, with the approval of the President, by order, determine.

Rules of procedure.

- 14. (1) The Pradesh Council may make rules and standing orders for regulating, subject to the provisions of this Regulation, its procedure and the conduct of its business.
- (2) Until any rules or standing orders are made under sub-section (1), the procedure of the Pradesh Council and the conduct of its business shall be regulated in accordance with such general or special orders as the Administrator may make.
- Restriction
 on discussion
 in the
 Pradesh
 Council
- 15. No discussion shall take place in the Pradesh Council with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

Courts not to inquire into proceedings of Pradesh Council.

- 16. (1) The validity of any proceedings in the Pradesh Council shall not be called in question on the ground of any alleged irregularity of procedure.
- (2) No member of the Pradesh Council in whom powers are vested by or under this Regulation for regulating the procedure or the conduct of business of, or for maintaining order in, the Pradesh Council shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

CHAPTER III

Counsellors

- 17. (1) The Administrator may appoint three persons as Counsellors from amongst the members of the Pradesh Council referred to in clauses (d) and (e) of section 3.
- Appointment of Counsellors, their term of office,

etc.

- (2) A Counsellor shall hold office during the pleasure of the Administrator.
- (3) Before a Counsellor enters upon his office, the Administrator shall administer to him the oath of office and of secrecy according to the forms set out for the purpose in the Third Schedule.
- (4) Every Counsellor shall be entitled to receive such salary or allowances or both as the Administrator may, with the approval of the President, by order, determine.
- 18. (1) The Administrator may, from time to time, consult any Counsellor or all the Counsellors on any matter relating to the administration of the Union territory and any views expressed by the Counsellor or Counsellors on such matters shall be recommendatory in nature.

Functions of Countsellors.

(2) The Administrator may make rules defining the procedure to be followed for consulting the Counsellors.

CHAPTER IV

MISCELLANEOUS

19. (1) The Administrator may, by notification, make rules to carry out the provisions of this Regulation.

Power to make rules.

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (a) the procedure to be followed for consulting the Counsellors under sub-section (2) of section 18;
 - (b) any other matter for which rules are, in the opinion of the Administrator, to be made under this Regulation.
- (3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE FIRST SCHEDULE

[See sections 2(b) and 3(d)]

MANNER IN WHICH A PERSON SHALL BE ELECTED TO THE PRADESH COUNCIL

1. For the purposes of election of members of the Pradesh Council under clause (d) of section 3, the number of persons to represent the Islands specified in column (2) of the Table below shall be as specified in the corresponding entry in column (3) of the said Table.

TABLE

S. No.	Islands	No. of persons in the Pradesh Council		
(1)	(2)	(3)		
,1.	Minicoy	3		
2.	Androth	3		
3.	Kavaratti	3		
4.	Amini	3		
5.	Kalpani	2		
6.	Agatti	2		
7.	Kadmat	2		
8.	Kiltan	1		
9.	Chetlat	1		
10.	Bitra	1		

- 2. Persons to represent the Island in the Pradesh Council shall be elected by the members of the Island Council constituted under the Lakshadweep Island Councils Regulation, 1988, from amongst themselves.
- 3. The election of the members of the Pradesh Council shall be by show of hands and shall be conducted by such person as the Administrator may, by notification, authorise in this behalf.

THE SECOND SCHEDULE

(See section 7)

FORM OF OATH OR AFFIRMATION TO BE MADE BY A MEMBER OF THE PRADESH COUNCIL

"I, A B, a member of the Pradesh Council for the Union territory of swear in the name of God Lakshadweep, do solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

THE THIRD SCHEDULE

[See section 17(3)]

FORM OF OATH OF OFFICE FOR A COUNSELLOR

"I, A B, do solemnly affirm that I will bear true faith solemnly affirm and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Counsellor to the Administrator of the Union territory of Lakshadweep and that I will do right to all manner of people in accordance with the Constitution and the law, without fear or favour, affection or ill-will."

FORM OF OATH OF SECRECY FOR A COUNSELLOR

"I, A B, do solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Counsellor to the Administrator of the Union territory of Lakshadweep except as may be required for the due discharge of my duties as such Counsellor."

R. VENKATARAMAN, President.

C. RAMAN MENON, Additional Secy. to the Govt. of India.